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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/047,907

Applicant(s)

REMERICQ

Examiner

Thomas J. Brahan

Art Unit

3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 15, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

1. The disclosure is objected to because of the following informalities. Appropriate correction is required.

- a. Paragraph 47, lines 1 and 2, has the carriages "sliding in the same, so-called clamping, direction" when clamping. However as they slide towards each other during clamping, they are not moving in the same direction. The use of the phrase "so-called" in the application, especially in the claims, is unacceptable, as it is confusing and fails to distinctly describe or claim the various elements.
- b. In paragraph 50, line 3, reference numeral "22" should be "22b".
- c. Paragraph 53, line 3, has the arms 26 moving in the direction of arrow 29. This is confusing as arrow 29 moves in one direction in figure 4a, and in the opposite direction in figure 4b.
- d. Paragraph 55, line 2, has the jack moving in a direction indicated by arrow 34 to rotate the arm to a specific position. However arrow 34 fails to show this motion as it is a double headed arrow.
- e. In paragraph 61, the reference numeral 44 is used for the thrust bearing in line 2, and for the stop in line 5.

2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plural input stations and the plural output stations of claims 1 and 5, the indirect driving of the skid by the jack means of claim 16, and the means for actuating the drums at separate speeds, recited specifically in claim 18 but essential to form the operative device recited in all of the claims, must be shown, or the features must be canceled from the claims. No new matter may be entered.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate description of the claimed invention. The structure of means 57 for actuating the drums at different speeds is inadequately disclosed. What type of structure is this and where is it shown in the drawings?

5. Claims 1-18 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

6. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. **For example:**


- a. In claim 1, lines 1 and 2, the limitation "such as, in particular, disposable liners or sanitary napkins" is not understood. It is unclear as to whether the liners and napkins are being claimed. The term "such as" and "in particular" seem to contradict each other.
- b. In claims 1 and 5, the terms "so-called open configuration" and "so-called holding configurations" are unclear. Are they or open configurations and holding configurations or something related to or approximating these configurations?
- c. In the penultimate line of claim 1, how is applicant using the limitation "adapted as a function of the input rate"? This fails to positively recite that the device is used as a buffer storage unit as having the input rate equal to the output rate would have the output as a function of the input.
- d. In claim 3, the limitation of "which is variable as a function of the input and/or the output rate" is not understood. This limitation attempts to include functions based upon the input and the output, functions based solely on the input, or functions based solely on the output.

It is unclear as to how the applicant is considering three different types of functions as controlling the path length. It is unclear as to whether this contradicts claim 1, which has the output as a function of the input.

- e. In claim 5, lines 1 and 2, the limitation "such as, in particular, disposable liners or periodic napkins" is not understood. It is unclear as to whether the liners and napkins are being claimed.
- f. In claim 5, the limitation of "which is variable as a function of the input and/or the output rate" is not understood and is indefinite as being inaccurate, as there are not three types of functions disclosed, i.e. functions based solely on the input, functions based solely on the output, or functions based upon a combined relationship between the input and the output.
- g. In claim 6, the limitation "between said output station or stations and/or said input station or stations and/or in the area therebetween" is not understandable. Using the phrase "and/or" twice to define a direction is confusing. To include multiple stations for the input and the output in the limitation makes it worse.
- h. Line 2 of claim 8 adds "a conveying means (8)" into the claimed combination which is redundant, as line 3 of claim 1 also introduces this pressing means. Line 4 of claim 8 also adds "a pressing means (6)" into the claimed combination which is also redundant, as line 5 of claim 1 also introduces this pressing means.
- i. In claim 9, line 4, the term "borne" is awkward, as it is a past participle of "bear".
- j. In claim 13, line 2 and line 5, the term "said stop" lacks antecedent basis within the claim. Note that claim 13 depends from claim 5, not claim 12 which introduces the stop. Note also that claim 12 introduces plural stops, as to have a further limitation drawn to "said stop" as confusing.
- k. In claim 18, line 4, the term "so-called driving drums" is unclear. Why are they "so-called" driving drums? This term fails to positively point out and distinctly claim the driving mechanism of the invention.

8. As the scope of the claims is unclear, rejections based upon prior art have not been considered, and are not included in the action.

9. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Fridays from 9:30-7:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

 9/6/03  
THOMAS J. BRAHAN  
PRIMARY EXAMINER